

UNITED STATES OF AMERICA JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

CHAIRMAN:
Judge Wm. Terrell Hodges
United States District Court
Middle District of Florida

MEMBERS:
Judge John F. Keenan
United States District Court
Southern District of New York

Judge D. Lowell Jensen
United States District Court
Northern District of California

Judge J. Frederick Motz
United States District Court
District of Maryland

Judge Robert L. Miller, Jr.
United States District Court
Northern District of Indiana

Judge Kathryn H. Vratil
United States District Court
District of Kansas

Judge David R. Hansen
United States Court of Appeals
Eighth Circuit

DIRECT REPLY TO:

Michael J. Beck
Clerk of the Panel
One Columbus Circle, NE
Thurgood Marshall Federal
Judiciary Building
Room G-255, North Lobby
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August 11, 2005

NOTICE OF HEARING SESSION

Dear Counsel:

Pursuant to the order of the Judicial Panel on Multidistrict Litigation filed today, you are hereby notified that a hearing session has been scheduled to consider various matters pursuant to 28 U.S.C. § 1407.

DATE OF HEARING SESSION: September 29, 2005

LOCATION OF HEARING SESSION: United States Courthouse
Courtroom No. 1, Third Floor
100 Otis Street
Asheville, North Carolina 28801

TIME OF HEARING SESSION: In those matters designated for oral argument, counsel presenting oral argument must be present at **8:30 a.m.** in order for the Panel to allocate the amount of time for oral argument. Oral argument will commence at **9:30 a.m.**

Please direct your attention to the enclosed Hearing Session Order and Schedule of Matters for Hearing Session for a listing of the matters scheduled for consideration at this hearing session.

- Section A of this Schedule lists the matters designated for oral argument.
- Section B of this Schedule lists the matters that the Panel has determined to consider **without oral argument**, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001).

For those matters listed on Section A of the Schedule, the enclosed blue "Notice of Presentation or Waiver of Oral Argument" must be returned to this office no later than **September 12, 2005**. Note the procedures governing Panel oral argument which are outlined on the enclosed "Procedures for Oral Argument before the Judicial Panel on Multidistrict Litigation." These procedures are strictly adhered to and your cooperation is appreciated.

Very truly,

Michael J. Beck
Michael J. Beck
Clerk of the Panel

JUDICIAL PANEL ON
MULTIDISTRICT LITIGATION
FILED

AUGUST 11, 2005

MICHAEL J. BECK
CLERK OF THE PANEL

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

***WM. TERRELL HODGES, CHAIRMAN, JOHN F. KEENAN, D. LOWELL
JENSEN, J. FREDERICK MOTZ, ROBERT L. MILLER, JR., KATHRYN H.
VRATIL AND DAVID R. HANSEN, JUDGES OF THE PANEL***

HEARING SESSION ORDER

IT IS ORDERED that on September 29, 2005, a hearing session will be held in Asheville, North Carolina, to consider the matters on the attached Schedule under 28 U.S.C. § 1407.

IT IS FURTHER ORDERED that at said hearing session the Panel may, on its own initiative, consider transfer of any or all of the actions in those matters to any district or districts.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section A of the attached Schedule shall be designated for oral argument.

IT IS FURTHER ORDERED that at said hearing session the matters listed on Section B of the attached Schedule shall be considered without oral argument, pursuant to Rule 16.1(c), R.P.J.P.M.L., 199 F.R.D. 425, 439 (2001). The Panel reserves the prerogative, on any basis including submissions of parties pursuant to Panel Rule 16.1(b), to issue a subsequent notice designating any of those matters for oral argument.

IT IS FURTHER ORDERED that the Clerk of the Judicial Panel on Multidistrict Litigation shall direct notice of this hearing session to counsel for all parties involved in the matters on the attached Schedule.

FOR THE PANEL:



Wm. Terrell Hodges
Chairman

SCHEDULE OF MATTERS FOR HEARING SESSION
September 29, 2005 -- Asheville, North Carolina

SECTION A
MATTERS DESIGNATED FOR ORAL ARGUMENT

MDL-1334 -- In re Managed Care Litigation

Motions of defendants PacifiCare Health Systems, Inc.; UnitedHealthcare, Inc.; and UnitedHealth Group Inc. for remand, pursuant to 28 U.S.C. § 1407(a), of their respective following actions to their respective transferor courts:

Southern District of Florida

Leonard J. Klay, M.D. v. PacifiCare Health Systems, Inc., et al., C.A. No. 1:01-83
(N.D. California, C.A. No. 3:00-1890)
California Medical Association v. Blue Cross of California, et al., C.A. No. 1:01-84
(N.D. California, C.A. No. 3:00-1894)
Charles B. Shane, M.D., et al. v. Humana, Inc., et al., C.A. No. 1:00-2830
(W.D. Kentucky, C.A. No. 3:00-53)

MDL-1704 -- In re M3Power Razor System Marketing & Sales Practices Litigation

Motion of plaintiff Kevin Windom for centralization of the following actions in the United States District Court for the District of Massachusetts:

Central District of California

David Atkins v. The Gillette Co., C.A. No. 2:05-4024

District of Massachusetts

Mark Dearman, et al. v. The Gillette Co., C.A. No. 1:05-11177
Kevin Windom v. The Gillette Co., C.A. No. 1:05-11207

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 2

MDL-1705 -- In re Xybernaut Corp. Securities Litigation

Motion of plaintiffs Don R. Heilman, Simona Zuccarelli, and Dean Lawthers for centralization of the following actions in the United States District Court for the Eastern District of Virginia:

District of Delaware

Robert H. Aylor, Jr. v. Xybernaut Corp., et al., C.A. No. 1:05-222
Moshe Tal v. Xybernaut Corp., et al., C.A. No. 1:05-242
Michael Fehrenbacher v. Xybernaut Corp., et al., C.A. No. 1:05-256
Jeffrey M. Jaskol, et al. v. Xybernaut Corp., et al., C.A. No. 1:05-268
Joseph Daniel Wauhop v. Xybernaut Corp., et al., C.A. No. 1:05-310
Christina W. Donnelly, et al. v. Xybernaut Corp., et al., C.A. No. 1:05-334

Eastern District of Virginia

Don R. Heilman v. Xybernaut Corp., et al., C.A. No. 1:05-525
Simona Zuccarelli v. Xybernaut Corp., et al., C.A. No. 1:05-610
Dean Lawthers v. Xybernaut Corp., et al., C.A. No. 1:05-617

MDL-1706 -- In re Doral Financial Corp. Securities Litigation

Motion of plaintiff Deerfield Beach Non-Uniformed Municipal Employees Retirement Plan for centralization of the following actions in the United States District Court for the District of Puerto Rico:

Southern District of New York

James Finn v. Doral Financial Corp., et al., C.A. No. 1:05-4014
Harold Faverman v. Doral Financial Corp., et al., C.A. No. 1:05-4026
Bruce Simons v. Doral Financial Corp., et al., C.A. No. 1:05-4047
Marc D. Grobler v. Doral Financial Corp., et al., C.A. No. 1:05-4077
Galaxy Electronics Corp. v. Doral Financial Corp., et al., C.A. No. 1:05-4087
Carlton Orchinik v. Doral Financial Corp., et al., C.A. No. 1:05-4098
Ben Bernie v. Doral Financial Corp., et al., C.A. No. 1:05-4113
Thanh D. Vu v. Doral Financial Corp., et al., C.A. No. 1:05-4141
Michael Faith v. Doral Financial Corp., et al., C.A. No. 1:05-4233

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 3

MDL-1706 (Continued)

Southern District of New York (Continued)

Samuel Borger v. Doral Financial Corp., et al., C.A. No. 1:05-4250
Andrew Lapat v. Doral Financial Corp., et al., C.A. No. 1:05-4294
Allen Scheiner v. Doral Financial Corp., et al., C.A. No. 1:05-4413
Bruce M. Barich v. Doral Financial Corp., et al., C.A. No. 1:05-4973
Michael Janicek v. Doral Financial Corp., et al., C.A. No. 1:05-5212
Gueorgui Gagov v. Doral Financial Corp., et al., C.A. No. 1:05-5213

District of Puerto Rico

Deerfield Beach Non-Uniformed Municipal Employees Retirement Plan v. Doral Financial Corp., et al., C.A. No. 3:05-1430
Carlos Garcia-Flores v. Doral Financial Corp., et al., C.A. No. 3:05-1464

MDL-1707 -- Commonwealth Scientific and Industrial Research Organisation Patent Litigation

Motion of plaintiffs Intel Corporation; Dell, Inc.; and Hewlett-Packard Company for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Intel Corp., et al. v. Commonwealth Scientific and Industrial Research Organisation, C.A. No. 3:05-1886
Microsoft Corp., et al. v. Commonwealth Scientific and Industrial Research Organisation, C.A. No. 4:05-1894

Eastern District of Texas

Commonwealth Scientific and Industrial Research Organisation v. Buffalo Technology (USA), Inc., et al., C.A. No. 2:05-53

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 4

MDL-1708 -- In re Guidant Corp. Implantable Defibrillators Products Liability Litigation

Motion of plaintiff Darci L. Munson for centralization of certain of the following actions in the United States District Court for the District of Minnesota and motion of plaintiff John Brennan for centralization of the following actions in the United States District Court for the Southern District of Indiana:

Central District of California

Joseph Gabriele v. Guidant Corp., C.A. No. 5:05-487

Southern District of Florida

Eugene Clasby v. Guidant Corp., C.A. No. 1:05-21485

Southern District of Indiana

John Brennan v. Guidant Corp., et al., C.A. No. 1:05-827

District of Minnesota

Edith Walker v. Guidant Corp., C.A. No. 0:05-1141

Darci L. Munson v. Guidant Corp., et al., C.A. No. 0:05-1153

Eastern District of New York

Larry Wenig, et al. v. Guidant Corp., et al., C.A. No. 2:05-2822

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 5

MDL-1709 -- In re Funeral Casket Antitrust Litigation

Motion of defendants Hillenbrand Industries, Inc., and Batesville Casket Company, Inc., for centralization of certain of the following actions in the United States District Court for the Southern District of Texas and motion of plaintiff Pioneer Valley Casket Co., Inc., for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

Funeral Consumers Alliance, Inc., et al. v. Service Corp. International, et al.,

C.A. No. 3:05-1804

Francis H. Rocha v. Service Corp. International, et al., C.A. No. 3:05-2501

Marsha Berger v. Service Corp. International, et al., C.A. No. 3:05-2502

Pioneer Valley Casket Co., Inc. v. Service Corp. International, et al., C.A. No. 3:05-2806

Eastern District of Tennessee

Ralph L. Fancher v. Service Corp. International, et al., C.A. No. 2:05-145

MDL-1711 -- In re Midland Credit Management, Inc., Debt Collection Practices Litigation

Motion of defendant Midland Credit Management, Inc., for centralization of the following actions in a single United States district court:

Northern District of Illinois

Phillip Jackson, et al. v. Midland Credit Management, Inc., et al., C.A. No. 1:04-5056

Esperanza Achamire, et al. v. Midland Credit Management, Inc., et al.,

C.A. No. 1:04-6744

Noah Downs, Jr. v. Midland Credit Management, Inc., et al., C.A. No. 1:05-724

Northern District of Indiana

Boris Stavroff v. Midland Credit Management, Inc., et al., C.A. No. 3:05-127

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 6

MDL-1711 (Continued)

Southern District of Indiana

Angela T. Hubbard v. Midland Credit Management, Inc., et al., C.A. No. 1:05-216

Christian M. Cline v. Midland Credit Management, Inc., et al., C.A. No. 1:05-794

MDL-1712 -- In re American Investors Life Insurance Co. Annuity Marketing and Sales
Practices Litigation

Motion of defendants American Investors Life Insurance Company, Inc.; Creative Marketing International Corporation; AmerUs Annuity Group Company; AmerUs Life Insurance Company; and AmerUs Group Company for centralization of the following actions in the United States District Court for the Eastern District of Pennsylvania:

Central District of California

Edward A. Inferrera, et al. v. AmerUs Life Insurance Co., et al., C.A. No. 2:05-2617

District of Kansas

Glen Studley, et al. v. American Investor Life Insurance Co., Inc., C.A. No. 5:05-4051

Eastern District of Pennsylvania

Walter B. Gilmour, et al. v. Barry O. Bohmueller, et al., C.A. No. 2:04-2535

Beryl Price, et al. v. AmerUs Group Co., et al., C.A. No. 2:04-3329

George J. Miller v. AmerUs Group Co., et al., C.A. No. 2:04-3799

Harcourt N. Trimble, III, etc. v. Brett B. Weinstein, et al., C.A. No. 2:05-2101

Richard Stein, et al. v. AmerUs Group Co., et al., C.A. No. 2:05-2391

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 7

MDL-1713 -- In re Bank of America ATM Fee Litigation

Motion of defendant Bank of America, N.A., and plaintiffs Douglas S. Brown, Stephen Cawelti, and James A. Prosser for centralization of the following actions in the United States District Court for the District of Massachusetts:

Central District of California

Stephen Cawelti v. Bank of America, N.A., C.A. No. 2:05-2680

District of Maryland

James A. Prosser v. Bank of America, N.A., C.A. No. 1:05-1134

District of Massachusetts

Douglas S. Brown v. Bank of America, N.A., C.A. No. 1:05-10713

MDL-1714 -- In re Rhodia S.A. Securities Litigation

Motion of plaintiff Oppenheim Pramerica Asset Management S.A.R.L. for centralization of the following actions in the United States District Court for the Southern District of New York:

District of New Jersey

Bob Erickson v. Rhodia S.A., et al., C.A. No. 2:05-1890

Bernard Cerles v. Rhodia S.A., et al., C.A. No. 2:05-2461

Angelo Emilio Albasio v. Rhodia S.A., et al., C.A. No. 2:05-2753

Southern District of New York

Oppenheim Pramerica Asset Management S.A.R.L. v. Rhodia S.A., et al.,
C.A. No. 1:05-5389

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 8

MDL-1715 -- In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation

Motion of plaintiffs Cheryl Williams, et al., for centralization of the following actions in the United States District Court for the Central District of California:

Central District of California

Adolph Peter Kurt Burggraff v. Ameriquest Capital Corp., et al., C.A. No. 2:04-9715

Northern District of California

Nona Knox, et al. v. Ameriquest Mortgage Co., et al., C.A. No. 3:05-240

Middle District of Florida

Latonya Williams, et al. v. Ameriquest Mortgage Co., C.A. No. 8:05-1036

District of Massachusetts

Isabelle M. Murphy, et al. v. Ameriquest Mortgage Co., C.A. No. 1:04-12651

Southern District of New York

Cheryl Williams, et al. v. Ameriquest Mortgage Co., C.A. No. 1:05-6189

MDL-1716 -- In re OxyContin Products Liability Litigation (No. II)

Motion of plaintiffs in 27 of the following 30 actions for centralization of the actions in the United States District Court for the Southern District of Illinois:

Eastern District of Arkansas

Michael R. Engle v. Purdue Pharma Co., et al., C.A. No. 4:04-602

District of Arizona

Frank D. Marcum v. Purdue Pharma Co., et al., C.A. No. 2:04-1824

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 9

MDL-1716 (Continued)

Central District of California

Shari J. Sanders v. Purdue Pharma Co., et al., C.A. No. 2:04-4665

Middle District of Florida

Daniel B. Timmons v. Purdue Pharma L.P., et al., C.A. No. 8:04-1479

Middle District of Georgia

Cornelia P. Taylor v. Purdue Pharma Co., et al., C.A. No. 5:04-197

Central District of Illinois

Michael J. Collins v. Purdue Pharma Co., et al., C.A. No. 3:04-3279
James E. Plowman v. Purdue Pharma Co., et al., C.A. No. 3:04-3280

Southern District of Illinois

Robert G. Savant v. Purdue Pharma Co., et al., C.A. No. 3:04-394
Betty F. McKane v. Purdue Pharma Co., et al., C.A. No. 3:04-395
Marie L. Cavenaile v. Purdue Pharma Co., et al., C.A. No. 3:04-401
Cathy D. Wilken, et al. v. Purdue Pharma Co., et al., C.A. No. 3:04-402
Timothy Wilkes v. Purdue Pharma Co., et al., C.A. No. 3:04-403

Southern District of Iowa

Chelly Griffith v. Purdue Pharma Co., et al., C.A. No. 3:04-10072

District of Kansas

William J. Honeyman v. Purdue Pharma Co., et al., C.A. No. 2:04-2411

Eastern District of Kentucky

Jack P. Marcum v. Purdue Pharma Co., et al., C.A. No. 2:04-152
Phillip L. Crabtree v. Purdue Pharma Co., et al., C.A. No. 6:04-294

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 10

MDL-1716 (Continued)

Western District of Louisiana

Enrique Angulo v. Purdue Pharma Co., et al., C.A. No. 1:04-1638

Northern District of Mississippi

Gregory Suber, Sr. v. Purdue Pharma, L.P., et al., C.A. No. 4:03-97

Southern District of Mississippi

Henry Butch Turner v. Purdue Pharma Co., et al., C.A. No. 3:04-403

District of New Hampshire

Charlene E. Franz v. Purdue Pharma Co., et al., C.A. No. 1:05-201

Southern District of New York

Donald Pratt v. Purdue Pharma Co., et al., C.A. No. 1:04-2100

Linda Terry v. Purdue Pharma Co., et al., C.A. No. 1:04-2102

Southern District of Ohio

Judy Wethington, et al. v. Purdue Pharma LP, et al., C.A. No. 1:01-441

Victoria A. Cook v. Purdue Pharma Co., et al., C.A. No. 1:04-530

Eastern District of Texas

Cynthia A. McKnight v. Purdue Pharma Co., et al., C.A. No. 9:04-116

Northern District of Texas

Eric J. Koenig, et al. v. Purdue Pharma Co., et al., C.A. No. 3:04-1590

Charlie L. Lee, Jr. v. Purdue Pharma Co., et al., C.A. No. 3:04-1697

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 11

MDL-1716 (Continued)

Southern District of Texas

Michael R. Engle, et al. v. Purdue Pharma Co., et al., C.A. No. 4:04-2407

Eastern District of Wisconsin

Kay H. Freund v. Purdue Pharma Co., et al., C.A. No. 1:04-611

Teddy L. Farris v. Purdue Pharma Co., et al., C.A. No. 2:04-736

MDL-1717 -- In re Intel Corp. Microprocessor Antitrust Litigation

Motion of plaintiffs Michael Brauch, et al., for centralization of the following actions in the United States District Court for the Northern District of California:

Northern District of California

David E. Lipton, et al. v. Intel Corp., C.A. No. 3:05-2669

Maria I. Prohias v. Intel Corp., C.A. No. 3:05-2699

Ronald Konieczka v. Intel Corp., C.A. No. 3:05-2700

Patricia M. Niehaus v. Intel Corp., C.A. No. 3:05-2720

Steve J. Hamilton v. Intel Corp., C.A. No. 3:05-2721

Michael Brauch, et al. v. Intel Corp., C.A. No. 3:05-2743

Susan Baxley v. Intel Corp., C.A. No. 3:05-2758

Huston Frazier, et al. v. Intel Corp., C.A. No. 3:05-2813

Dwight E. Dickerson v. Intel Corp., C.A. No. 3:05-2818

The Harman Press v. Intel Corp., C.A. No. 3:05-2823

District of Delaware

Advanced Micro Devices, Inc., et al. v. Intel Corp., et al., C.A. No. 1:05-441

Jim Kidwell, et al. v. Intel Corp., C.A. No. 1:05-470

Robert J. Rainwater, et al. v. Intel Corp., C.A. No. 1:05-473

Matthew Kravitz, et al. v. Intel Corp., C.A. No. 1:05-476

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 12

MDL-1718 -- In re Ford Motor Co. Speed Control Deactivation Switch Products Liability
Litigation

Motion of defendants Ford Motor Company; Karl Flammer Ford, Inc.; and Bill Currie Ford, Inc., for centralization of the following actions in the United States District Court for the Eastern District of Michigan:

Middle District of Florida

Michael T. Iley, et al. v. Ford Motor Co., et al., C.A. No. 8:05-1139

Robert Nicholas Dill, Sr., et al. v. Ford Motor Co., et al., C.A. No. 8:05-1234

Eastern District of Louisiana

Joseph T. Whittington v. Ford Motor Co., C.A. No. 2:05-2469

Eastern District of Michigan

Marcus Ebow v. Ford Motor Co., C.A. No. 2:05-70781

Western District of Washington

Arlene J. Castrow, et al. v. Ford Motor Co., C.A. No. 3:05-5422

MDL-1719 -- In re Qwest Communications International, Inc., Securities & "ERISA" Litigation

Motion of defendants Citigroup Global Markets, Inc.; Sandy Weill; Jack Grubman; and Arthur Andersen LLP for centralization of the following actions in the United States District Court for the District of Colorado:

District of Colorado

*New England Health Care Employees Pension Fund v. Qwest Communications
International, Inc., et al.*, C.A. No. 1:01-1451

Stanton Discount Pharmacy, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:01-1472

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 13

MDL-1719 (Continued)

District of Colorado (Continued)

Douglass Urquhart, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:01-1527
Tyler Del Valle Grady, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:01-1616
Robert Cline, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:01-1799
David Tanner, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:01-1930
Herbert S. Cohen Trust v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-333
Adele Brody, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-374
Valerie J. Brooks, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-464
Janice Dudley, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-470
Rod Coyle, et al. v. Qwest Communications International, Inc., et al., C.A. No. 1:02-482
Brian Barry v. Qwest Communications International, Inc., et al., C.A. No. 1:02-507
James Rooney, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-602
Laila Abdelnour v. Qwest Communications International, Inc., et al., C.A. No. 1:02-658
Paula Smith, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-714
Stuart Wollman v. Qwest Communications International, Inc., et al., C.A. No. 1:02-755
Seymour Tabacoff, et al. v. Qwest Communications International, Inc., et al.,
C.A. No. 1:02-798
Mary Stuhr v. Qwest Communications International, Inc., et al., C.A. No. 1:02-2120
Stichting Pensioenfonds ABP v. Qwest Communications International, Inc., et al.,
C.A. No. 1:04-238
Shriners Hospitals for Children v. Qwest Communications International, Inc., et al.,
C.A. No. 1:04-781
Teachers' Retirement System of Louisiana v. Qwest Communications International, Inc., et al., C.A. No. 1:04-782
New York City Employees Retirement System, et al. v. Qwest Communications International, Inc., et al., C.A. No. 1:04-1964

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 14

MDL-1719 (Continued)

Southern District of Florida

William M. Rogers, et al. v. Joseph P. Nacchio, et al., C.A. No. 0:05-60667

MDL-1720 -- In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation

Motion of plaintiffs Rookies, Inc., et al., for centralization of certain of the following actions in the United States District Court for the Northern District of California and motion of defendants Visa U.S.A., Inc., et al., for centralization of the following actions in the United States District Court for the Northern District of Georgia:

Northern District of California

Rookies, Inc., et al. v. Visa U.S.A., Inc., et al., C.A. No. 3:05-2933

Randall Jasperson v. Visa U.S.A., Inc., et al., C.A. No. 3:05-2996

District of Connecticut

Photos Etc. Corp., et al. v. Visa U.S.A., Inc., et al., C.A. No. 3:05-1007

Tabu Salon & Spa, Inc. v. Visa U.S.A., Inc., et al., C.A. No. 3:05-1111

East Goshen Pharmacy, Inc., etc. v. Visa U.S.A., Inc., et al., C.A. No. 3:05-1177

Northern District of Georgia

Animal Land, Inc. v. Visa U.S.A., Inc., C.A. No. 1:05-1210

Southern District of New York

Nucity Publications, Inc. v. Visa U.S.A., Inc., et al., C.A. No. 1:05-5991

Fairmont Orthopedics & Sports Medicine, PA, et al. v. Visa U.S.A., Inc., et al.,
C.A. No. 1:05-6259

Parkway Corp., et al. v. Visa U.S.A., Inc., et al., C.A. No. 1:05-6349

The Kroger Co., et al. v. Visa U.S.A., Inc., et al., C.A. No. 1:05-6409

Schedule of Matters for Hearing Session, Section A
Asheville, North Carolina

p. 15

MDL-1720 (Continued)

Southern District of New York (Continued)

Baltimore Avenue Foods, LLC v. Visa U.S.A., Inc., et al., C.A. No. 1:05-6532

Broken Ground, Inc. v. Visa U.S.A., Inc., et al., C.A. No. 1:05-6543

Lakeshore Interiors v. Visa U.S.A., Inc., et al., C.A. No. 1:05-6683

Bonte Wafflerie, LLC, et al. v. Visa U.S.A., et al., C.A. No. 1:05-6708

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 16

SECTION B
MATTERS DESIGNATED FOR CONSIDERATION WITHOUT ORAL ARGUMENT

MDL-875 -- In re Asbestos Products Liability Litigation (No. VI)

Oppositions of plaintiffs to transfer of their respective following actions to the United States District Court for the Eastern District of Pennsylvania:

Middle District of Florida

Linda Vaughn, etc. v. Borg-Warner Corp., et al., C.A. No. 8:05-978

Northern District of Florida

Ann Elizabeth Buchinger, etc. v. Garlock, Inc., et al., C.A. No. 3:05-118

District of Oregon

Howard Wood v. Allis-Chalmers Corp. Product Liability Trust, et al., C.A. No. 3:05-706

District of Utah

Audrey Fratto, etc. v. Asarco, Inc., et al., C.A. No. 2:05-336

Eastern District of Virginia

Mary E. Blackburn v. Northrup Grumman Newport News, C.A. No. 4:05-2895
Albert W. Dail, etc. v. Northrup Grumman Newport News, C.A. No. 4:05-2896
Frances C. Diggs v. Northrup Grumman Newport News, C.A. No. 4:05-2897
Mildred S. Edwards v. Northrup Grumman Newport News, C.A. No. 4:05-2898
Doris M. Harmon, etc. v. Northrup Grumman Newport News, C.A. No. 4:05-2899
Burnell Landrum v. Northrup Grumman Newport News, C.A. No. 4:05-2900
Sandra L. Russell, etc. v. Northrup Grumman Newport News, C.A. No. 4:05-2901
Robert Schaffer, Jr., etc. v. Northrup Grumman Newport News, C.A. No. 4:05-2902

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 17

MDL-875 (Continued)

Eastern District of Virginia (Continued)

Gladys I. Spikes v. Northrup Grumman Newport News, C.A. No. 4:05-2903
Peggy O. Sheets v. Northrup Grumman Newport News, C.A. No. 4:05-2904
Nonie C. White v. Northrup Grumman Newport News, C.A. No. 4:05-2905
Betty Jean Lancaster v. Northrup Grumman Newport News, C.A. No. 4:05-2906
Betty J. Williams v. Northrup Grumman Newport News, C.A. No. 4:05-2907
Crystal W. Moore, etc. v. Northrup Grumman Newport News, C.A. No. 4:05-2908
James T. Turner, etc. v. Northrup Grumman Newport News, C.A. No. 4:05-2909

Southern District of West Virginia

Charles E. Hamrick, et al. v. A&I Co., et al., C.A. No. 2:05-286

Motion of claimants Jean Minas Baudoin and Claudette Nugier Baudoin for reconsideration of the Panel's ruling transferring the following action to the United States District Court for the Eastern District of Pennsylvania:

Eastern District of Pennsylvania

Murphy Exploration & Production Co. v. McCarty Corp., et al. (E.D. Louisiana, C.A. No. 2:04-1554)

MDL-1203 -- In re Diet Drugs (Phentermine/Fenfluramine/Dexfenfluramine) Products Liability Litigation

Opposition of defendant Wyeth to remand, under 28 U.S.C. § 1407(a), of the following action to the United States District Court for the District of Utah:

Eastern District of Pennsylvania

Patty Long v. American Home Products Corp., et al., C.A. No. 2:03-20087 (D. Utah, C.A. No. 2:02-972)

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 18

MDL-1285 -- In re Vitamin Antitrust Litigation

Motion of defendants Shijiazhuang Pharmaceutical (USA); China Pharmaceutical Group, Ltd.; and Hebei Welcome Pharmaceutical Co., Ltd., for remand, pursuant to 28 U.S.C. § 1407(a), of the following action to the United States District Court for the Eastern District of New York:

District of District of Columbia

Animal Science Products, Inc., et al. v. Hebei Welcome Pharmaceutical Co., Ltd., et al.
(E.D. New York, C.A. No. 1:05-453)

MDL-1334 -- In re Managed Care Litigation

Oppositions of plaintiffs James Mirabile, M.D., et al., and Dr. Steven Buie, et al., to transfer of their respective following actions to the United States District Court for the Southern District of Florida:

District of Kansas

James Mirabile, M.D., et al. v. Blue Cross & Blue Shield of Kansas City, Inc., et al.,
C.A. No. 2:05-2223

Western District of Missouri

Dr. Steven Buie, et al. v. Blue Cross Blue Shield of Kansas City, Inc., et al.,
C.A. No. 4:05-534

Motion of defendant Oxford Health Plans LLC for transfer of the following action to the United States District Court for the Southern District of Florida:

District of New Jersey

John Ivan Sutter, M.D. v. Oxford Health Plans LLC, C.A. No. 2:05-2198

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 19

MDL-1335 -- In re Tyco International, Ltd., Securities, Derivative & "ERISA" Litigation

Opposition of plaintiff Scott Stevenson to transfer of the following action to the United States District Court for the District of New Hampshire:

Southern District of Florida

Scott Stevenson v. Tyco International, Ltd., et al., C.A. No. 9:05-80375

MDL-1348 -- In re Rezulin Products Liability Litigation

Opposition of plaintiff Steven Camargo to transfer of the following action to the United States District Court for the Southern District of New York:

Eastern District of California

Steven Camargo v. Warner-Lambert Co., LLC, et al., C.A. No. 1:05-533

MDL-1358 -- In re Methyl Tertiary Butyl Ether ("MTBE") Products Liability Litigation

Opposition of plaintiff City of Merced to transfer of the following action to the United States District Court for the Southern District of New York:

Eastern District of California

City of Merced v. Exxon Mobil Corp., et al., C.A. No. 1:05-662

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 20

MDL-1507 -- In re Prempro Products Liability Litigation

Oppositions of plaintiffs Ursula Bryan, et al., and defendants Harold H. Shlevin, Ph.D., and Solvay Pharmaceuticals, Inc., to transfer of their respective following actions to the United States District Court for the Eastern District of Arkansas:

Eastern District of Missouri

Ursula Bryan, et al. v. Wyeth, et al., C.A. No. 4:05-607

Western District of Tennessee

Cheryl Autin, et al. v. Solvay Pharmaceuticals, Inc., et al., C.A. No. 2:05-2213

MDL-1513 -- In re Wireless Telephone Services Antitrust Litigation

Opposition of plaintiffs Jessica McClain, et al., to transfer of the following action to the United States District Court for the Southern District of New York:

Western District of Tennessee

Jessica McClain, et al. v. Sprint Corp., et al., C.A. No. 2:05-2229

MDL-1562 -- In re General Motors Corp. Dex-Cool Products Liability Litigation

Opposition of plaintiff Anthony Natale, Jr., to transfer of the following action to the United States District Court for the Southern District of Illinois:

District of Massachusetts

Anthony Natale, Jr. v. General Motors Corp., C.A. No. 1:05-11152

Motion of defendant General Motors Corporation for transfer of the following action to the United States District Court for the Southern District of Illinois:

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 21

MDL-1562 (Continued)

Eastern District of California

Jason Bertino, et al. v. General Motors Corp., C.A. No. 2:05-889

MDL-1566 -- In re Western States Wholesale Natural Gas Antitrust Litigation

Opposition of plaintiff Multiut Corporation to transfer of the following action to the United States District Court for the District of Nevada:

Northern District of Illinois

Multiut Corp. v. Dynegy, Inc., et al., C.A. No. 1:04-8283

MDL-1574 -- In re Paxil Products Liability Litigation

Opposition of plaintiff Linda Van Dyke, etc., and defendant SmithKline Beecham Corporation to transfer of the following action to the United States District Court for the Central District of California:

District of Wyoming

Linda Van Dyke, etc. v. GlaxoSmithKline, C.A. No. 2:05-153

MDL-1586 -- In re Mutual Funds Investment Litigation

Oppositions of plaintiffs Lydia Maxwell; David Rothschild; and Darrell V. McGraw, Jr., to transfer of their respective following actions to the United States District Court for the District of Maryland:

Central District of California

Lydia Maxwell v. PIMCO Funds Multi-Manager Series, C.A. No. 8:05-479

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 22

MDL-1586 (Continued)

Western District of Pennsylvania

David Rothschild v. Federated American Leaders Fund, Inc., et al., C.A. No. 2:05-896

Northern District of West Virginia

Darrell V. McGraw, Jr. v. Aim Advisors, Inc., et al., C.A. No. 5:05-78

MDL-1598 -- In re Ephedra Products Liability Litigation

Oppositions of plaintiffs Murray J. Eaves and Lesley Johnston, et al., to transfer of their respective following actions to the United States District Court for the Southern District of New York:

District of Minnesota

Murray J. Eaves v. Muscletech Research & Development, Inc., et al., C.A. No. 0:05-978

Western District of Missouri

Lesley Johnston, et al. v. Physical FX, L.C., et al., C.A. No. 4:05-575

MDL-1604 -- In re Ocwen Federal Bank FSB Mortgage Servicing Litigation

Opposition of plaintiffs Roy Capers and Cheryle Williams to transfer of their respective following actions to the United States District Court for the Northern District of Illinois:

Southern District of Alabama

Roy Capers v. Ocwen Federal Bank, FSB, C.A. No. 1:05-233

Cheryle Williams v. Ocwen Federal Bank, FSB, C.A. No. 2:05-234

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 23

MDL-1610 -- In re Consecro Life Insurance Co. Cost of Insurance Litigation

Opposition of plaintiffs Sidney Bark, et al., to transfer of the following action to the United States District Court for the Central District of California:

Northern District of Illinois

Sidney Bark, et al. v. Consecro Life Insurance Co., et al., C.A. No. 1:05-3488

MDL-1629 -- In re Neurontin Marketing, Sales Practices and Products Liability Litigation

Oppositions of plaintiffs Gerald Demers and Teresa E. Teater to transfer of their respective following actions to the United States District Court for the District of Massachusetts:

District of Maine

Gerald Demers v. Pfizer, Inc., et al., C.A. No. 2:05-84

District of Oregon

Teresa E. Teater v. Pfizer, Inc., et al., C.A. No. 3:05-604

MDL-1657 -- In re Vioxx Products Liability Litigation

Oppositions of plaintiffs and defendants Walgreen Company and Dario Arango, M.D., to transfer of their respective following actions to the United States District Court for the Eastern District of Louisiana:

Eastern District of California

John Martin v. Merck & Co., Inc., et al., C.A. No. 2:05-750

Southern District of California

Alvin Williams v. Merck & Co., Inc., et al., C.A. No. 3:05-943

Margaret Stein v. Merck & Co., Inc., et al., C.A. No. 3:05-944

Otis Anderson v. Merck & Co., Inc., et al., C.A. No. 3:05-945

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 24

MDL-1657 (Continued)

Southern District of California (Continued)

Joan Ongley v. Merck & Co., Inc., et al., C.A. No. 3:05-947
Hilda Armenta v. Merck & Co., Inc., et al., C.A. No. 3:05-948
Robert Levesque v. Merck & Co., Inc., et al., C.A. No. 3:05-949
Clancy Lucille Holloway v. Merck & Co., Inc., et al., C.A. No. 3:05-950
Laura Martinez v. Merck & Co., Inc., et al., C.A. No. 3:05-951
Clarice Forbes v. Merck & Co., Inc., et al., C.A. No. 3:05-953
Robert Castro v. Merck & Co., Inc., et al., C.A. No. 3:05-954
Joseph Capozzi v. Merck & Co., Inc., et al., C.A. No. 3:05-957
Anna Lemmons v. Merck & Co., Inc., et al., C.A. No. 3:05-958
Richard Brown v. Merck & Co., Inc., et al., C.A. No. 3:05-959
Aida Hernandez v. Merck & Co., Inc., et al., C.A. No. 3:05-960
Harvey Persh v. Merck & Co., Inc., et al., C.A. No. 3:05-961
Robert Scott v. Merck & Co., Inc., et al., C.A. No. 3:05-962
Violet Abramson v. Merck & Co., Inc., et al., C.A. No. 3:05-963
Carmen Esquer v. Merck & Co., Inc., et al., C.A. No. 3:05-964

District of Colorado

Estella M. Remington v. Walgreen Co., et al., C.A. No. 1:05-892

Southern District of Illinois

Rosie-May Spann v. Merck & Co., Inc., et al., C.A. No. 3:05-315
James Steele, Jr., et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-339
Greg Miller, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-361
Wilma Gaston, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-362
Ralph Rabe, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-363
John Allen, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-377
Joyce Morgan, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-378

Western District of Kentucky

William Andrew Curl, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-324
Brenda Cox, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-332
Patrick Wayne Overall, et al. v. Merck & Co., Inc., et al., C.A. No. 3:05-333
James Goodman v. Merck & Co., Inc., et al., C.A. No. 3:05-334
Steven Clark v. Merck & Co., Inc., et al., C.A. No. 3:05-335

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 25

MDL-1657 (Continued)

Eastern District of Missouri

Dorothy Ganser, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-557
Letty Bess, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-568
Arthur Mullins, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-569
Dorothy Kassing, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-631
Shirley Zook, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-632
Andrew Kisty, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-665
Virginia Kell, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-666
Mary Benson, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-668
Earlie Douglas, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-669
Ricardo Lara, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-671
Loretta Trinidad, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-673
David Moultrie, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-674
Irene Rogers, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-675
Charlotte Bohlke, et al. v. Merck & Co., Inc., et al., C.A. No. 4:05-837

District of Nevada

Terry L. Grove, et al. v. Merck & Co., Inc., et al., C.A. No. 2:05-598
James Conroy, et al. v. Merck & Co., Inc., et al., C.A. No. 2:05-629

Middle District of North Carolina

Jimmy Reid v. Merck & Co., Inc., C.A. No. 1:05-348

Eastern District of Texas

Elfriede Blacketer v. Merck & Co., Inc., et al., C.A. No. 1:05-336
Walter Maddox v. Merck & Co., Inc., et al., C.A. No. 1:05-338

Southern District of Texas

Santos Villarreal Layton v. Dario Arango, M.D., et al., C.A. No. 7:05-149

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 26

MDL-1657 (Continued)

Western District of Washington

Robert K. Waitt v. Merck & Co., Inc., et al., C.A. No. 2:05-759

Northern District of West Virginia

Shelia Dalgo v. Merck & Co., Inc., C.A. No. 5:05-48

MDL-1663 -- In re Insurance Brokerage Antitrust Litigation

Oppositions of plaintiffs Palm Tree Computers Systems, Inc., et al., and KLLM, Inc., and defendants The Chubb Corporation, CIGNA Corporation, and Life Insurance Company of North America to transfer of their respective following actions to the United States District Court for the District of New Jersey:

Southern District of California

Ronald Scott Shirley, et al. v. Universal Life Resources, et al., C.A. No. 3:04-2102

Middle District of Florida

Palm Tree Computers Systems, Inc., et al. v. Ace USA, et al., C.A. No. 6:05-422

Southern District of Mississippi

KLLM, Inc. v. Marsh USA, Inc., et al., C.A. No. 3:03-1294

Schedule of Matters for Hearing Session, Section B
Asheville, North Carolina

p. 27

MDL-1665 -- In re Acacia Media Technologies Corp. Patent Litigation

Oppositions of defendants CSC Holdings, Inc.; Time Warner Cable, Inc.; and Bresnan Communications, LLC, to transfer of their respective following actions to the United States District Court for the Northern District of California:

Eastern District of New York

Acacia Media Technologies Corp. v. CSC Holdings, Inc., C.A. No. 2:05-2036

Southern District of New York

Acacia Media Technologies Corp. v. Time Warner Cable, et al., C.A. No. 1:05-4148

PROCEDURES FOR ORAL ARGUMENT BEFORE THE
JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

All oral argument is governed by the provisions of Rule 16.1 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation (effective April 2, 2001). Rule 16.1(g) allows a maximum of twenty minutes for oral argument in each matter. In most cases, however, less time is necessary for the expression of all views and the Panel reserves the prerogative of reducing the time requested by counsel. Accordingly, counsel should be careful not to overstate the time requested for oral argument.

The Panel insists that counsel limit all oral argument to the appropriate criteria. See generally In re "East of the Rockies" Concrete Pipe Antitrust Cases, 302 F. Supp. 244, 255-56 (J.P.M.L. 1969) (concurring opinion) (discussion concerning criteria for transfer).

Rule 16.1 is duplicated in its entirety hereafter for your convenience.

RULE 16.1: HEARING SESSIONS AND ORAL ARGUMENT

(a) Hearing sessions of the Panel for the presentation of oral argument and consideration of matters taken under submission without oral argument shall be held as ordered by the Panel. The Panel shall convene whenever and wherever desirable or necessary in the judgment of the Chairman. The Chairman shall determine which matters shall be considered at each hearing session and the Clerk of the Panel shall give notice to counsel for all parties involved in the litigation to be so considered of the time, place and subject matter of such hearing session.

(b) Each party filing a motion or a response to a motion or order of the Panel under Rules 7.2, 7.3, 7.4 or 7.6 of these Rules may file simultaneously therewith a separate statement limited to one page setting forth reasons why oral argument should, or need not, be heard. Such statements shall be captioned "Reasons Why Oral Argument Should [Need Not] Be Heard," and shall be filed and served in conformity with Rules 5.12 and 5.2 of these Rules.

(c) No transfer or remand determination regarding any action pending in the district court shall be made by the Panel when any party timely opposes such transfer or remand unless a hearing session has been held for the presentation of oral argument except that the Panel may dispense with oral argument if it determines that:

- (i) the dispositive issue(s) have been authoritatively decided; or
- (ii) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.

Unless otherwise ordered by the Panel, all other matters before the Panel, such as a motion for reconsideration, shall be considered and determined upon the basis of the papers filed.

(d) In those matters in which oral argument is not scheduled by the Panel, counsel shall be promptly advised. If oral argument is scheduled in a matter the Clerk of the Panel may require counsel for all parties who wish to make or to waive oral argument to file and serve notice to that effect within a stated time in conformity with Rules 5.12 and 5.2 of these Rules. Failure to do so shall be deemed a waiver of oral argument by that party. If oral argument is scheduled but not attended by a party, the matter shall not be rescheduled and that party's position shall be treated as submitted for decision by the Panel on the basis of the papers filed.

(e) Except for leave of the Panel on a showing of good cause, only those parties to actions scheduled for oral argument who have filed a motion or written response to a motion or order shall be permitted to appear before the Panel and present oral argument.

(f) Counsel for those supporting transfer or remand under Section 1407 and counsel for those opposing such transfer or remand are to confer separately prior to the oral argument for the purpose of organizing their arguments and selecting representatives to present all views without duplication.

(g) Unless otherwise ordered by the Panel, a maximum of twenty minutes shall be allotted for oral argument in each matter. The time shall be divided equally among those with varying viewpoints. Counsel for the moving party or parties shall generally be heard first.

- 2 -

(h) So far as practicable and consistent with the purposes of Section 1407, the offering of oral testimony before the Panel shall be avoided. Accordingly, oral testimony shall not be received except upon notice, motion and order of the Panel expressly providing for it.

(i) After an action or group of actions has been set for a hearing session, consideration of such action(s) may be continued only by order of the Panel on good cause shown.